

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

SAMUEL GAINES,

Plaintiff

VS.

HALE BURNSIDE, *et al.*,

Defendants

NO. 5: 03-CV-177 (CAR)

**PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE**

**O R D E R**

Before the court is the **MOTION TO DISMISS FOR WANT OF PROSECUTION** (Tab #59) filed on behalf of the defendants. Upon consideration of said motion and of the responses filed thereto by plaintiff SAMUEL GAINES (Tabs #61 and #63), the same is DENIED. Noting that this matter has been pending for quite some time and that more than sufficient time has been allowed for both the prosecution and defense of this case, IT IS ORDERED AND DIRECTED that the parties shall advise the court **WITHIN TEN (10) DAYS** whether this case is ready for trial and, if not, why not.

SO ORDERED AND DIRECTED, this 14<sup>th</sup> day of NOVEMBER, 2005.



CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE